

1                   **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

2   Serial No..... 10/798,153  
3   Filing Date ..... Mar. 10, 2004  
4   First Named Inventor..... Edward A. Ludvig  
5   Assignee..... Microsoft Corporation  
6   Group Art Unit ..... 2427  
7   Examiner ..... Mark P. Stanley  
8   Attorney's Docket No. .... MS1-1829US  
9   Title..... Targeted Advertising Based on Consumer Purchasing Data

10                   **DECLARATION UNDER 37 CFR §1.132**

11                   To:       Commissioner for Patents  
12                         P.O. Box 1450  
13                         Alexandria VA 22313-1450  
14                   From:   Beatrice Koempel-Thomas (Tel. 509-324-9256; Fax 509-323-8979)  
15                         **Customer No. 22801**

16                   On behalf of the Microsoft Corporation, this declaration and the attached  
17                   exhibits comprising documentation indicating documentation of Applicant's  
18                   representative's activities are presented as evidence showing conception and  
19                   diligence from at least February 23, 2004 until constructive reduction to practice  
20                   on March 10, 2004, the filing of the application entitled "**Targeted Advertising**  
21                   **Based on Consumer Purchasing Data.**"

22                   The invention of this application entitled "**Targeted Advertising Based on**  
23                   **Consumer Purchasing Data,**" was conceived of in United States prior to the  
24                   publication date of U.S. Patent No. 6,698,020, February 24, 2004. Furthermore, due  
25                   diligence was exercised from a date before February 24, 2004 until filing of the  
                    application on March 10, 2004. The filing constitutes constructive reduction to  
                    practice.

1 Attached to this declaration is evidence (redacted portions of the following  
2 documents):

3 February 24-27 and March 2-4 are the only business days for which  
4 contemporaneous documentary evidence regarding this application is not provided.  
5 Contemporaneous documentary evidence regarding other matters on which  
6 Applicant's representative was working is provided for February 24-26 and March  
7 2-4, 2004.

8 K: a Southwest Airlines "receipt and itinerary" showing Applicant's  
9 representative, Kayla Brant, traveled to a client's location in San Jose, CA, on "Feb.  
10 22, 2004" and returned on "Feb 24, 2004." Applicant's representative conducted  
11 meetings at the client's location on "Feb 23, 2004" (1 page).

12 L: an email exchange between Applicant's representative and another  
13 inventor thanking the inventor for reviewing another patent application, and seeking  
14 confirmation to prepare a final draft and formal papers dated "Feb 25, 2004"  
15 (1 page).

16 M: an email from Applicant's representative regarding a post allowance  
17 review of another matter dated "Feb 26, 2004" (1 page).

18 N: an email from Applicant's representative requesting a patent application  
19 draft review for another patent application "Mar 2, 2004" (1 page).

20 O: an email exchange between Applicant's representative and client  
21 regarding another patent application "Mar 3, 2004" (1 page).

22 P: a firm email from Applicant's representative ordering references for  
23 another file "Mar 4, 2004" (2 pages).

24 The lack of documentary evidence dated "Friday, Feb 27, 2004" is explained  
25 by the following. Because it was necessary for Applicant's representative to travel  
to the client's location on "Sunday, Feb 22, 2004" as shown in Exhibit K,  
Applicant's representative took "Friday, Feb 27, 2004" as an alternate day off.

1 I declare that all statements made herein of my own knowledge are true and  
2 that all statements made on information and belief are believed to be true; and  
3 further that these statements were made with the knowledge that willful false  
4 statements and the like so made are punishable by fine or imprisonment, or both,  
5 under Section 1001 of Title 18 of the United States Code and that such willful false  
6 statement may jeopardize the validity of the application or any patent issued  
7 therefrom.  
8  
9

10 December 29, 2008  
Date

/Kayla D. Brant #46,576/  
Signature

Kayla D. Brant / Patent Agent  
Printed name/Title